



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

ZONING CHANGE REPORT



Meeting Date: April 7, 2014

Table A. Summary			
Application Summary			
Case Number	Z1300014	Jurisdiction	City (pending annexation)
Applicant	City of Durham	Submittal Date	May 28, 2013
Reference Name	Chapel Creek	Site Acreage	17.10
Location	George King Road and Crossland Road, generally in the northwest quadrant of the Interstate-40 and West NC 54 Highway intersection.		
PIN(s)	See Attachment #4, Site Owner Information		
Request			
Proposed Zoning	Planned Development Residential 8.000 (PDR 8.000) (City jurisdiction)	Proposal	Initial zoning of newly annexed land for 105 residential units
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Medium-High Density Residential (8-20 Dwelling Units/Acre)		
Existing Zoning	Residential Suburban-20 (RS-20) (County jurisdiction)		
Existing Use	Vacant		
Overlay	F/J-B; MTC (partial)	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Little Creek
Determination/Recommendation/Comments			
Staff		Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.	
Planning Commission	Approval 12-0 on February 11, 2014. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST		No comments	
BPAC		No comments	

A. Summary

This is a request to apply the initial zoning of land annexed into the City to a site totaling 17.10 acres from Residential Suburban-20 (RS-20) – County Jurisdiction to Planned

Development Residential 8.000 (PDR 8.000) – City Jurisdiction for a residential development of 105 residential units. The site is comprised of 28 parcels with frontage on George King Road and Crossland Drive, generally located in the northwest quadrant of the Interstate 40 and West NC 54 Highway intersection (see Attachment 1, Context Map). This request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

This project is currently in the County’s jurisdiction but is associated with an annexation request. Council will consider this zoning map change as part of a consolidated land use item which will include decisions on Annexation, Utility Extension Agreement, and this zoning map change request as an “initial” zoning of newly annexed land where the City is the applicant.

Appendix A provides supporting information.

B. Site History

Previously, the applicant requested a density less than 4 Dwelling Units/Acre which required a plan amendment from Medium-High Density Residential (8 – 20 Dwelling Units/Acre) to Low Density Residential (4 Dwelling Units/Acre or less). The Planning Commission voted to recommend denial of the plan amendment (case A1300005) at their November 12, 2013 meeting. The Planning Commission also voted to recommend denial of this case (Z1300014). The applicant subsequently amended their application to a higher density, 8.000 Dwelling Units/Acre, to be consistent with the Future Land Use Map of the *Comprehensive Plan*. As such, the plan amendment originally associated with this case was withdrawn as 8.000 Dwelling Units/Acre is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates the site as Medium-High Density Residential (8-20 Dwelling Units/Acre).

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request’s consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the PDR

district (Sec. 3.5.6.D, and Sec. 6.11.3). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards. The applicant has committed to multi-and/or single family residential (and accessory) uses with a minimum single-family lot size of 3,500 square feet.

Graphic Commitments. Graphic commitments include the general location of site access points, location of tree preservation areas, and that all access points will be connected to public rights-of-way. Three project phase areas have been depicted graphically; phase III shows a building and parking envelope thus allowing the development of multi-family only in that phase.

Design Commitments. Projects that anticipate nonresidential and/or multifamily development require design commitments when requesting a zoning map change with a development plan. Through the design commitments of this project the applicant has committed to design elements, roofline details and building materials. A more detailed summary is provided in Table D5, Summary of Development Plan.

Determination. The requested PDR zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested PDR zoning district and associated development plan with a density of 8.000 DU/Ac. is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates the site as Medium-High Density Residential (8-20 DU/Ac.).

Other review criteria include:

Proposed Transportation Infrastructure. The Metropolitan Transportation Plan designates the proposed Southwest Durham Drive and future light rail alignments. The Southwest Durham-Southeast Chapel Hill Collector Street Plan also designates the alignment for Southwest Durham Drive. Each of these features impacts the subject site. Through the development plan, the applicant is committing to constructing a portion of Southwest Durham Drive to align with Crossland Drive to the south.

NC 54/I-40 Corridor Study. In 2011, the NC 54 Highway and Interstate-40 corridor was studied by the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization along with input from a broad group of study partners including The City of Durham and Durham

County. A result of the study included generalized land use recommendations that were intended to influence Durham's land use policies, but not supersede it. The land use concept for the Leigh Village Station shows the highest density mixed-use areas within ¼ mile of the proposed station with development intensity scaled down in a concentric ring pattern. For areas on the fringe of the station area, where the subject site is located, the study calls for single-family residential at a density between 6-12 units per acre. The proposed development density at 8.000 DU/Ac. falls within this range.

Suburban Transit Area. The site is within the Leigh Village Suburban Transit Area, so designated in 2005 with the adoption of the *Comprehensive Plan* when the plan recognized the location of the Leigh Village Station. *Comprehensive Plan* policies are to encourage development standards and densities supportive of transit in Suburban Transit Areas. The proposed development density at 8.000 Dwelling Units/Acre satisfies the intensity projections of this area and is anticipated to support the future transit station.

Phasing Plan. The required phasing plan identifies development benchmarks in three phases (see development plan sheet D-2, Attachment 4). Although each phase specifies a range of residential units, approximately 50% of the proposed units are being allocated for Phase III which is also the smallest geographic area, suggesting higher density in this location. The generous threshold ranges provided on the development plan satisfies the criteria for a phasing plan. Based on this phasing plan, the highest density development will not be completed until the final phase.

Natural Heritage Area. The site is adjacent to a Natural Heritage Inventory area identified as the Little Creek Bottom Lands and is used by the Army Corps of Engineers for flood control purposes. While a small portion of the Significant Natural Heritage Area overlays this site, more recent analysis indicates that the depicted boundary provided by the state includes a buffer offset from the floodplain located on the west side of George King Road. Therefore, there is no ordinance or policy guidance applied to this site in regards to the Inventory.

F. Site Conditions and Context

Site Conditions. The 17.10-acre site is comprised of 28 vacant, half-acre parcels and located with frontage along George King Road and Crossland Drive. Right-of-way has been platted through the site but neither the roads nor housing was ever developed. The site is tree covered and future development is constrained by an intermittent stream and a gas line easement.

Area Characteristics. The site is in the Suburban Tier, Suburban Transit Area in close proximity to the NC 54/I-40 interchange, which has been included in the NC 54/I-40 Corridor Study (see Attachment 10). Traveling west on NC 54 Highway is a major route of access to Chapel Hill; traveling east provides immediate access to Interstate 40. The site is surrounded by the Residential Suburban – 20 zoning district where parcels are vacant to the north and west and developed as single-family to the south. The property to the west on the opposite side of George King Road is managed by the Army Corps of Engineers for flood control associated with Little Creek.

This area is within two zoning overlay districts. The F/J-B Watershed Protection Overlay district limits impervious surface allowances on proposed development. The Major Transportation Corridor (MTC) I-40 Overlay was established to enhance the economic and aesthetic appeal of properties adjacent to major transportation corridors and to improve traffic efficiency and safety by reducing visual clutter.

Although the site is currently located within Durham County jurisdiction, the applicant is seeking annexation into the City of Durham.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed PDR 8.000 district and associated development plan meets policy and ordinance requirements in relation to development on the subject site and is considered density that is supportive of a transit station and in an area that serves as a main arterial between Durham and Chapel Hill as well as for travelers utilizing the interstate to Chapel Hill.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed PDR district and associated development plan is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of road, transit, drainage/stormwater, and schools. The proposal is estimated to increase the traffic generation of the subject site by 730 daily trips, increase the students generated from the proposed use by 26 students, and increase the estimated water demand of the site by 11,625 gallons per day. The existing infrastructure has available capacity to meet these increases.

Present Transportation Infrastructure. NC 54 Highway is presently operating over capacity (at 108.04% level of service). If 30% or more of the proposed trips are assigned to the west (toward Chapel Hill) the level of service would not exceed 110% capacity. The trip distribution of the proposed traffic has not been analyzed because a Traffic Impact Analysis was not required of this project. Additionally, NC 54 Highway is not adjacent to the site. Thus, this request does not violate *Comprehensive Plan* policy 8.1.2.i that would require staff to recommend denial if the site were adjacent to a road operating overcapacity.

Proposed Transportation Infrastructure. The applicant is committing to accommodate adopted plans that show future transportation infrastructure in the vicinity of this site

(see Section E, Adopted Plans, above) in regards to Southwest Durham Drive and future Durham-Orange light rail transit.

This site is currently in the County's jurisdiction and does not presently have approvals for utilities. However, this site has requested annexation and a utility extension agreement for access to these services.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

If the requested PDR 8.000 zoning designation were approved, the development plan would further establish the development potential of the site considering the text and graphic commitments proffered.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Jarrod Edens, Edens Land Corp	Ph: 919-706-0550	Jarrod.edens@edensland.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress
- Jordan Lake Resource Management
- Downing Creek
- Town of Chapel Hill
- Cross-County Communities Association
- Eastwood Park Neighborhood Association
- Farrington Homeowners Allied for Residential Preservation

K. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	N/A
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
PDR	Planned Development Residential - the PDR district is established to allow for design flexibility in residential development. A development plan is required with a request for this district, which shows a conceptual representation of the proposed site that indicates how the ordinance standards could be met. Any significant change to the development plan would require a new zoning petition. While PDR is primarily a residential district, other uses may be allowed under limited provisions of the ordinance.
F/J-B	<p>Falls/Jordan District B – the purpose of the F/J-B Watershed Protection Overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:</p> <ul style="list-style-type: none"> • Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and • Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.
MTC	Major Transportation Corridor Overlay – the MTC Overlay district is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. The MTC district requires buffers next to major transportation corridors and limits the height of signs.

Table D2. District Requirements – PDR			
	Code Provision	Required	Committed
Minimum Site Area (acres)	6.11.3.B.1	4	17.10
Residential Density (maximum)	6.11.3.C	Specified on plan	8.000 (DU/Ac.)
Maximum Height (feet)	6.11.3.C.3	35	35
Minimum Street Yard (feet)	6.11.3.E.1	8	8

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	20% (3.42 acres)	20% (3.42 acres)
Stream Protection (buffer in feet)	8.5.4.B	100	100

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	RS-20	0/0	N/A
East	RS-20	0/0	N/A
South	RS-20	0/0	N/A
West	RS-20	N/A (right-of-way greater than 60 feet)	N/A

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 105 residential units total	D-2
	Building/Parking Envelope. Shown in Phase III, where multifamily residential would be permitted.	D-2
	Project Boundary Buffers. None required for this project.	D-2
	Stream Crossing. Two proposed stream crossings.	D-2
	Access Points. Four access points have been identified.	D-2
	Dedications and Reservations. None	N/A
	Impervious Area. 50% = 8.55 acres	D-2
	Environmental Features. Streams	D-1, D-2
	Areas for Preservation. None	N/A
	Tree Coverage. 20% (3.42 acres) as shown.	D-2
Graphic Commitments	Location of access points. Location of tree preservation areas. Location of phase areas. Potential location of multi-family development. Access points to be public street right-of-ways.	D-2
Text Commitments	<ol style="list-style-type: none"> The proposed development will be limited to single family residential, multi-family residential, and accessory uses. Minimum lot size for any residential lot shall be 3,500 square feet. <u>Prior to the issuance of a Certificate of Occupancy</u> <ol style="list-style-type: none"> Construct a public collector street per City of Durham standards with a minimum of 80 feet of right-of-way for future Southwest Durham Drive between Site Access #1 and Site Access #4. Construct Crossland Drive as a public collector street per City of Durham standards from Celeste Circle to Site Access Point #1. <u>Prior to the issuance of a Phase II Certificate of Occupancy</u> <ol style="list-style-type: none"> Construct Ridgeway Road as a public street per City of Durham and NCDOT standards from Celeste Circle to Site Access Point #2. 	Cover
SIA Commitments	None provided	N/A

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	<p>Medium-High Density Residential: Land used primarily for residential uses.</p> <p>Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.</p> <p>Suburban Transit Area. Encourage development supportive of transit.</p>
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.3.1b	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Urban Growth Area.
7.1.6b	Development Review and the Natural Heritage Inventory: Review development proposals in relation to the Natural Heritage Inventory to preserve Natural Heritage Inventory sites and encourage new development to avoid the sites by using infill development, planned developments, cluster developments, conservation-by-design subdivisions, and other means.
8.1.2i	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system's maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.

Table E. Adopted Plans
<i>Durham County Inventory of Important Natural Areas, Plants, and Wildlife</i>
This site is within the New Hope Creek Corridor; a small area of this site is within the State Natural Heritage Area Boundary.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Vacant, single-family residential	RS-20	F/J-B; MTC (partial)
East	Vacant, single-family residential	RS-20	F/J-B; MTC
South	Vacant, single-family residential	RS-20	F/J-B; MTC (partial)
West	Vacant (Army Corps of Engineers)	RS-20	F/J-B

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts
<p>George King Road and NC 54 are the major roads impacted by the proposed zoning change. NCDOT TIP Project U-5324A will provide improvements to NC 54 from Barbee Chapel Road to I-40. This Mobility Fund project is scheduled for construction in 2022. The proposed development is impacted by the following adopted plans:</p> <ul style="list-style-type: none"> The Southwest Durham-Southeast Chapel Hill Collector Street Plan proposes a north-south collector street through the proposed development plan. The NC 54-I40 Corridor Study proposes multiple roadway, transit, pedestrian, and bicycle related improvements in this area. The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) recently adopted a revised alignment for Southwest Durham Drive. The revised alignment now utilizes the Crossland Drive through this site. Additionally, Alternative 2 (Segment C) of the Locally Preferred Alternative for the Durham-Orange Light Rail Corridor also utilizes the George King Road alignment adjacent to this site.

Table G1. Road Impacts		
Affected Segments	George King Road	NC 54 Highway
Current Roadway Capacity (LOS D) (AADT)	10,700	39,800
Latest Traffic Volume (AADT)	200	43,000
Traffic Generated by Present Designation (average 24 hour)*	347	
Traffic Generated by Proposed Designation (average 24 hour)**	1,077	
Impact of Proposed Designation	+730	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2012)

George King Road: 2-lane city/county roadway without left-turn lanes

NC 54: 4-lane divided class I arterial

Source of Latest Traffic Volume: 2011 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RS-20: 30 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 8.000: 68 single-family lots and 37 apartments

Table G2. Transit Impacts
Transit service is currently provided within one-quarter mile of the site along NC 54 via Triangle Transit Route 800.

Table G3. Utility Impacts
This site will be served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate 36 students. This represents an increase of 26 students over the existing zoning. Durham Public Schools serving the site are Creekside Elementary School, Githens Middle School, and Jordan High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,695	7,824	10,080
Maximum Building Capacity (110% of Building Capacity)	18,365	8,606	11,088
20 th Day Attendance (2013-14 School Year)	16,579	7,465	9,373
Committed to Date (January 2011 – December 2013)	4190	62	3
Available Capacity	1,596	1,079	1,348
Potential Students Generated – Current Zoning*	5	2	3
Potential Students Generated – Proposed Zoning**	16	8	12
Impact of Proposed Zoning	+11	+6	+9

*Assumption- (Max Use of Existing Zoning) – RS-20: 30 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 8.000: 105 residential units

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 16,275 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 11,625 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	21.65MGD
Approved Zoning Map Changes (January 2011 – December 2013)	0.27 MGD
Available Capacity	15.08 MGD
Estimated Water Demand Under Present Zoning*	4,650 GPD
Potential Water Demand Under Proposed Zoning**	16,275 GPD
Potential Impact of Zoning Map Change	+11,625

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – RS-20: 30 single-family lots

**Assumption- (Max Use of Existing Zoning) – PDR 8.000: 105 residential units